

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WILLIAM THOMAS NEAL,

Civil 05-1351 (ADM/AJB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

DAVID HIGGINS, and
WILLIAM DEANE,

Defendants.

Plaintiff commenced this action on July 7, 2005, by filing a complaint and an application for leave to proceed in forma pauperis, ("IFP"). This Court examined the IFP application and found that Plaintiff had not adequately demonstrated that he was indigent and could not afford to pay the \$250 filing fee prescribed by 28 U.S.C. § 1914(a). Therefore, by order dated July 11, 2005, (Docket No. 3), Plaintiff's IFP application was denied.

The Court's order informed Plaintiff that although he would not be granted IFP status, he could still maintain this action if he paid the statutory filing fee. Plaintiff was advised that if he intended to pursue his claims in this action as a non-IFP litigant, he would have to pay the full \$250 filing fee within twenty days. Plaintiff was further advised that if he did not pay the \$250 filing fee within twenty days, it would be recommended that his action be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

The deadline for paying the filing fee established by the Court's prior order has now passed. To date, however, Plaintiff has not paid his filing fee, nor has he contacted the Court, or communicated with the Court, in any way. Therefore, it is now recommended, in

accordance with the Court's prior order, that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: August 15, 2005

s/ Arthur J. Boylan
ARTHUR J. BOYLAN
United States Magistrate Judge

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before August 29, 2005.